

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**LUIS RAUL GANDARA CARRILLO and
all other similarly situated under 29 U.S.C.
2216(B)**

Plaintiff,

V.

**CREST-MEX CORPORATION d/b/a
LASIERRA APARTMENTS, MTORMA
TRUST, DALLAS NET LEASE TRUST,,
SIERRA MANAGEMENT TRUST, and
THOMAS TOWNSEND**

Defendants.

§

CIVIL ACTION 3:14-cv-00405-P

**DEFENDANT THOMAS TOWNSEND'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Federal Rule of Civil Procedure 12(c), Defendant Thomas Townsend (“Townsend”) files this Motion for Judgment on the Pleadings and states as follows:

1. Plaintiff Luis Raul Gandara Carrillo (“Plaintiff” or “Carillo”) sued Townsend and four corporate and/or trust defendants for negligence and failure to pay overtime under the Fair Labor Standards Act. Plaintiff’s own Complaint demonstrates, however, that Plaintiff has not pled a valid negligence claim against Townsend. Accordingly, Townsend files this Motion for Judgment on the Pleadings, requesting the Court to dismiss with prejudice Plaintiff’s negligence claim against Townsend.

2. Pursuant to Local Rule 7.1(d), Townsend's Brief in Support of his Motion for Judgment on the Pleadings that sets forth Townsend's contentions of fact and/or law, and argument and authorities, is being contemporaneously filed.

WHEREFORE, Defendant Thomas Townsend respectfully requests that the Court grant

this Motion for Judgment on the Pleadings, dismiss with prejudice Plaintiff's negligence claim against Townsend, and grant Townsend such other and further relief to which he may show himself justly entitled.

Respectfully submitted,

LINDQUIST WOOD EDWARDS LLP

/s/Robert Wood

Robert J. Wood, Jr.

State Bar No. 00788712

robert@mylawteam.com

T. Blake Edwards

State Bar No. 24050553

blake@mylawteam.com

1700 Pacific Avenue, Suite 2280

Dallas, Texas 75201

(214) 382-9789 – phone

(214) 953-0410 – fax

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on all counsel of record via ECF, on September 30, 2015.

/s/Robert Wood

Robert J. Wood, Jr.